

Dave

FYI

*[Signature]*

①

February 15, 1989

#### WOOD PRESERVATIVE CHRONOLOGY -- CONSUMER AWARENESS PROGRAM

- o October 1978, the Agency began the administrative review of wood preserving uses of creosote, pentachlorophenol, and inorganic arsenicals.
- o July 13, 1984, the Agency issued the Notice of Intent to Cancel (49 FR 28666).
- o June 11, 1985, Judge Nissen ruled on a hearing request brought by the American Wood Preservers Institute pursuant to the July Notice.
- o September 30, 1985, EPA entered into a consent agreement.
- o January 10, 1986, EPA published an amended Notice of Intent to Cancel which, among other modifications, stated that the Consumer Awareness Program (CAP) was voluntary. Furthermore, the Notice stated that the wood preserving industry would have the voluntary program underway by November 1985 and would conduct an audit of the program's effectiveness by September 1986 and submit the results to the Agency by October 1986.
- o The first audit was conducted between July and October 1986 and established the statistical methodologies and baseline. This approach was repeated for the 1987 and 1988 audit.
- o November 30, 1988, the 1988 audit was submitted for review. The 1988 audit concludes that 100% of wood preserver formulators and 71% of wholesale/distributor and retailers were participating in the Consumer Awareness Program.

#### ISSUES

- o Do the audit results meet acceptable levels of compliance with the voluntary CAP?
- o If they do not meet acceptable levels, what then:
  - OPP/RD wants OCM to conduct its own audit,
  - EPA has said that if the voluntary program is ineffective, then it will consider a Section 6 regulation under TSCA for treated wood.